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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/800,157	03/12/2004	Richard J. Curtice	HES.2004.IP.013436UI	6787
7590	12/12/2005			EXAMINER
JOHN W. WUSTENBERG HALLIBURTON ENERGY SERVICES, INC. 2600 SOUTH SECOND STREET P. O. BOX 1431 DUNCAN, OK 73536-0440			BATES, ZAKIYA W	
			ART UNIT	PAPER NUMBER
			3676	
			DATE MAILED: 12/12/2005	

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/800,157	CURTICE ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Zakiya W. Bates	3676	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-42 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_ is/are allowed.
- 6) Claim(s) 1-42 is/are rejected.
- 7) Claim(s) \_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. ____ .   |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>03122004,05022005</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: ____ .                                   |

## DETAILED ACTION

### *Specification*

1. The abstract of the disclosure is objected to because the term "the present invention" is stated in lines 1 and 3. Correction is required. See MPEP § 608.01(b).

2. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-42 are rejected under 35 U.S.C. 102(b) as being anticipated by US 5,343,968, US 4,064,941, or US 4,449,856.

USS 5,343,968 discloses an apparatus that includes, with respect to claims 1 and 15, a downhole tool for sealing a void in a subterranean formation comprising: an inner tubing 20 having at least one port 23 disposed at a bottom end through which a

first component of a sealant mixture is delivered downhole; an outer tubing 30 disposed around the inner tubing thereby forming an annulus therebetween through which a second component of the sealant mixture is delivered downhole, the outer tubing having a closed bottom end, which extends below the bottom end of the inner tubing; a mixing chamber formed between the bottom end of the inner tubing and the bottom end of the outer tubing into which the first and second components of the sealant mixture combine to form the sealant mixture; at least one discharge port formed at the bottom end of the outer tubing for discharging the sealant mixture from the mixing chamber; and means for orientating the downhole tool in a borehole. See the entire document, especially Fig. 1 and col. 6, lines 42-66. With respect to claims 28, 31, 35, and 39, the reference discloses a method of sealing a void in a subterranean formation comprising the steps of: mixing a first cementitious component and an aqueous-based fluid in a first mixer to form an intermediate cement composition; mixing the intermediate cement composition and a second cementitious component in a second mixer to form a first component of a sealant mixture; pumping the first component of the sealant mixture through an inner tubing, the inner tubing having at least one port disposed at a bottom end through which the first component is discharged downhole from the inner tubing; pumping a second component of the sealant mixture through an annulus formed between an outer tubing disposed around the inner tubing, wherein the annulus delivers the second component of the sealant mixture downhole, combining the first component of the sealant mixture and the second component of the sealant mixture in a mixing chamber formed between the bottom end of the inner tubing and a closed bottom end of the outer tubing, which

extends below the bottom end of the inner tubing; and discharging the sealant mixture from the mixing chamber into the void. With respect to the depending claims, the reference teaches the limitations as claimed.

US 4,064,941 discloses an apparatus that includes, with respect to claims 1 and 15, a downhole tool for sealing a void in a subterranean formation comprising: an inner tubing 66 having at least one port (at 79) disposed at a bottom end through which a first component of a sealant mixture is delivered downhole; an outer tubing 60 disposed around the inner tubing thereby forming an annulus therebetween through which a second component of the sealant mixture is delivered downhole, the outer tubing having a closed bottom end, which extends below the bottom end of the inner tubing; a mixing chamber 80 formed between the bottom end of the inner tubing and the bottom end of the outer tubing into which the first and second components of the sealant mixture combine to form the sealant mixture; at least one discharge port 90 formed at the bottom end of the outer tubing for discharging the sealant mixture from the mixing chamber; and means for orientating the downhole tool in a borehole. See the entire document, especially Figs. 5-7, col. 6, line 62- col. 7, line 22. With respect to claims 28, 31, 35, and 39, the reference discloses a method of sealing a void in a subterranean formation comprising the steps of: mixing a first cementitious component and an aqueous-based fluid in a first mixer to form an intermediate cement composition; mixing the intermediate cement composition and a second cementitious component in a second mixer to form a first component of a sealant mixture; pumping the first component of the sealant mixture through an inner tubing, the inner tubing having at

least one port disposed at a bottom end through which the first component is discharged downhole from the inner tubing; pumping a second component of the sealant mixture through an annulus formed between an outer tubing disposed around the inner tubing, wherein the annulus delivers the second component of the sealant mixture downhole, combining the first component of the sealant mixture and the second component of the sealant mixture in a mixing chamber formed between the bottom end of the inner tubing and a closed bottom end of the outer tubing, which extends below the bottom end of the inner tubing; and discharging the sealant mixture from the mixing chamber into the void. With respect to the depending claims, the reference teaches the limitations as claimed.

US 4,449,856 discloses an apparatus that includes, with respect to claims 1 and 15, a downhole tool for sealing a void in a subterranean formation comprising: an inner tubing 26 having at least one port 46 disposed at a bottom end through which a first component of a sealant mixture is delivered downhole; an outer tubing 22A disposed around the inner tubing thereby forming an annulus therebetween through which a second component of the sealant mixture is delivered downhole, the outer tubing having a closed bottom end, which extends below the bottom end of the inner tubing; a mixing chamber 48 formed between the bottom end of the inner tubing and the bottom end of the outer tubing into which the first and second components of the sealant mixture combine to form the sealant mixture; at least one discharge port 12 formed at the bottom end of the outer tubing for discharging the sealant mixture from the mixing chamber; and means for orientating the downhole tool in a borehole. See the

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entire document, especially Figs. 5-6, and col. 5, line 49- col. 6, line 68. With respect to claims 28, 31, 35, and 39, the reference discloses a method of sealing a void in a subterranean formation comprising the steps of: mixing a first cementitious component and an aqueous-based fluid in a first mixer to form an intermediate cement composition; mixing the intermediate cement composition and a second cementitious component in a second mixer to form a first component of a sealant mixture; pumping the first component of the sealant mixture through an inner tubing, the inner tubing having at least one port disposed at a bottom end through which the first component is discharged downhole from the inner tubing; pumping a second component of the sealant mixture through an annulus formed between an outer tubing disposed around the inner tubing, wherein the annulus delivers the second component of the sealant mixture downhole, combining the first component of the sealant mixture and the second component of the sealant mixture in a mixing chamber formed between the bottom end of the inner tubing and a closed bottom end of the outer tubing, which extends below the bottom end of the inner tubing; and discharging the sealant mixture from the mixing chamber into the void. With respect to the depending claims, the reference teaches the limitations as claimed.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Zakiya W. Bates (formerly Zakiya Walker) whose

telephone number is (571) 272-7039. The examiner can normally be reached on Monday-Friday, 8:30 AM-5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Glessner can be reached on (571) 272-6843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Zakiya W. Bates  
Primary Examiner  
Art Unit 3676

zb  
December 8, 2005